

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CIVIL NO. 1:06CV399

|                                     |   |                         |
|-------------------------------------|---|-------------------------|
| EXECUTIVE RISK INDEMNITY, INC.,     | ) |                         |
|                                     | ) |                         |
| Plaintiff,                          | ) |                         |
|                                     | ) |                         |
| Vs.                                 | ) | <u>DECLARATORY</u>      |
|                                     | ) | <u>J U D G M E N T</u>  |
|                                     | ) | and                     |
| ALEXANDER KLOSEK, individually,     | ) | <u>DEFAULT JUDGMENT</u> |
| and as Trustee of Pinnacle          | ) |                         |
| Fiduciary & Trust Group Irrevocable | ) |                         |
| Asset Management Trust,             | ) |                         |
|                                     | ) |                         |
| Defendant.                          | ) |                         |
| _____                               | ) |                         |

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that declaratory judgment is hereby entered for the Plaintiff, and that Chubb PROE&O Policy number 6803-9316, issued by the Plaintiff to Alexander Klosek, Trustee of the Pinnacle Fiduciary & Trust Group Irrevocable Asset Management Trust, is **RESCINDED AND DECLARED VOID *AB INITIO*** as to Klosek individually.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's motion for default judgment is **ALLOWED**, and that Chubb PROE&O Policy number 6803-9316, issued by the Plaintiff to Alexander

Klosek, Trustee of the Pinnacle Fiduciary & Trust Group Irrevocable Asset Management Trust, is **RESCINDED AND DECLARED VOID *AB INITIO*** as to Klosek as Trustee.

**IT IS FURTHER ORDERED** the Plaintiff is hereby authorized to return the Policy premium by delivering the same to the Trustee in care of the Morrow Insurance Agency, Inc., the producing agency identified in the application for the Policy.

Signed: June 12, 2007

A handwritten signature in black ink, appearing to read "Lacy H. Thornburg", written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

